

4068. Adulteration and misbranding of vinegar. U. S. v. The Harbauer Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 5644. I. S. No. 2679-e.)

On May 28, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Harbauer Co., a corporation formerly trading under the corporate name and title of The Harbauer-Marleau Co., Toledo, Ohio, alleging the sale by said company, on or about September 27, 1912, under a written guaranty that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act, of a quantity of vinegar which was an adulterated and misbranded article within the meaning of said act, and which said article was, on November 29, 1912, shipped by the purchaser thereof, in the identical condition as when received from the said defendant company, from the State of Ohio into the State of Pennsylvania. The product was labeled: (Principal label on barrel) "Onward Brand Cider Vinegar, for the John H. Fitch Co., Youngstown, O."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	1. 35
Glycerol (grams per 100 cc).....	0. 04
Solids (grams per 100 cc).....	1. 70
Nonsugar solids (grams per 100 cc).....	0. 74
Reducing sugars, invert after evaporation (grams per 100 cc).....	0. 96
Ash (grams per 100 cc).....	0. 34
Total acids as acetic (grams per 100 cc).....	4. 00
Alkalinity soluble ash (cc N/10 acid per 100 cc).....	33. 4
Total phosphoric acid (mg per 100 cc).....	16. 8
Polarization, direct, at 20° C. (°V.).....	0. 22
Sugar in solids (per cent).....	56. 47
Ash in nonsugar solids (per cent).....	45. 94
Lead precipitate: Light.	

Adulteration of the article was alleged in the information for the reason that substances, to wit, a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars and foreign ash material, prepared in imitation of cider vinegar, had been substituted wholly or in part for the true cider vinegar which said article purported to be.

Misbranding was alleged for the reason that the label of the article bore the following statement, to wit, "Onward Brand Cider Vinegar," which said statement was false and misleading in that said article was not pure cider vinegar as represented, but was in fact, in whole or in part, a mixture of dilute acetic acid or distilled vinegar and a product high in reducing sugars and added ash material, prepared in imitation of cider vinegar; and for the further reason that the article was an imitation vinegar, prepared in whole or in part from dilute acetic acid or distilled vinegar and a product high in reducing sugars and added ash material which was made to simulate true cider vinegar, and was offered for sale and sold under the distinctive name of another article, to wit, cider vinegar.

On April 15, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 17, 1915.